

MINUTES

RANDOLPH COUNTY PLANNING BOARD

March 2, 2004

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, March 2, 2004, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Maxton McDowell** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: Maxton McDowell, Chairman, present; Bill Dorsett, Vice Chairman, present; Lynden Craven, present; Larry Brown, present; Phil Ridge, present; and Chris McLeod, present.
3. **Brown** made the motion, seconded by **Craven**, to approve the Minutes of the February 3, 2004 County Planning Board Meeting. The motion passed unanimously.
4. **Approval of the Order in the appeal of the decision of the Planning Director in the matter relating to the Cliff Loflin case.**

Dorsett made the motion, seconded by **Craven**, to approve the Order affirming the decision of the Planning Director in the matter relating to the Cliff Loflin case. The motion passed unanimously.

5. **SPECIAL USE PERMIT REQUEST:**

Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."

Two people took this oath.

WILLIAM RICHMOND, Seagrove, North Carolina, is requesting a Special Use Permit for a Planned Rural Development to allow a 2nd residence for a family member at his residence located at 5670 Hayes Farm Road, 10 acres, Haywood Acres Section 2 lot 10, Brower Township, Zoning District RA, Parcel ID# 8606054172.

The Technical Review Committee met and found that this proposal was in compliance with the standards outlined in the new Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved with the condition that any new wells maintain the 100-ft. farm setback requirement.

Richmond was present for this hearing and explained his intention to place a second residence on his property for his son. Richmond said that he does not plan to deed the property to his son. Richmond explained that he has owned his property for 10 years. **Johnson** asked who maintained Hayes Farm Road. **Richmond** said that the property owners along Hayes Farm Road, but he is the primary person that keeps the road maintained. Richmond said that he has had the property perked.

Benard Beck, Hayes Farm Road, said that he doesn't really object to this request but he did want the Board to realize that he does apply chicken litter on his property that is a working farm. Beck said that he would like the Board to require a 100' setback from any new well. Beck said that he has had problems with garbage coming from this property onto his property where he has cows. Beck said that the plastic and trash from this property is a problem for his cows. Beck asked the Board to consider these conditions in this request.

Richmond told the Board that he had an old mobile home on the property, but it has been torn down and removed. Richmond realized that there was a problem with trash on his property, but he has cleaned up the problem. Richmond said that he doesn't plan to put another well on the property, but he would have no problem with locating any new wells at least 100 ft. from his property line.

Brown asked how future trash problems could be handled. **Johnson** answered that he has a staff person that handles any trash problems.

Dorsett asked Richmond if he plans to ask for any additional homes on the property in the future. **Richmond** said that he does have another son, and he might request another home in the future. Johnson explained that there was not enough land here for a third residence. Johnson said that the minimum lot size for a residence on a private road is 5 acres.

Dorsett said that he didn't feel that an additional home would be too much to ask, but he would like to see a stipulation of no additional homes in the future.

Dorsett made the motion to approve this request with the following conditions:

- **no additional homes in the future (total of 2 homes only)
- **100-ft. well setback requirement from the property line
- **garbage must be contained as per County regulations

Craven seconded this motion and the motion passed unanimously.

6. **REQUESTS FOR PROPERTY REZONING:**

- A. **AL MORTON**, Asheboro, North Carolina, is requesting that 104.54 acres located on Foxfire Road, Franklinville Township, be zoned to allow a conventional exclusive residential subdivision overlay. Parcel ID#'s 7791063307 and

7781964283. Zoning District RA. The Conditional Use Overlay Zoning District would specifically allow an 84-lot residential subdivision for site built or conventional modular homes with a minimum house size of 1,250 sq. ft. Ronald Sewell - Property Owner.

- **Neighborhood Information Meeting Summary**

Approximately 20 area residents attended this meeting. Concerns were expressed over the existence of a graveyard on the site. In addition, concerns were expressed about density, traffic congestion, water table levels, and school impacts. There were also concern expressed concerning the stormwater and erosion impacts to adjoining property, particularly the adjoining property upon which is located ponds and an earthen dam.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with the existing land use patterns and its close proximity to U.S. Hwy 64. The Technical Review Committee noted the developer has answered concerns about the cemetery, the wetlands, the streams, and the 100-ft. required farm well setbacks. The developer has attempted to address the concerns of an adjoining property owner of possible run-off by placing a 25-ft. no-cut buffer around the perimeter of the property. However, the Technical Review Committee recommended that the area of the cemetery be set aside as an individual lot with road frontage and the proposed "c" street be ended in a cul-de-sac because it will be adjoining an undeveloped private street.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 *The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.*

Policy 6.13 *Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*

Policy 6.14 *Residential subdivisions should, in order to promote*

efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes “leap frog” development (i.e. leaving large vacant areas between developments).

Morton was present with the surveyor, Phil Henley.

Morton, 2280 Stutts Road, said that in the Neighborhood Information Meeting he discussed house sizes with the neighbors and has decided to up the minimum house size to 1,400 sq. ft. Morton said that all the corner lots along the new roads would access the new roads. Morton said that this would eliminate all driveways to Foxfire Road and only the new roads would access Foxfire Road. Morton said that they have added a 25-ft. buffer around the perimeter of the subdivision. Morton said there is talk about water lines coming to Hwy 64, and if public water is brought Foxfire Road, they plan to hook on to the water lines. Morton discussed cutting ditches that would maintain the water run-off on this property. Morton said that they didn't feel they would get 84 lots due to possible perking issues. Morton said that the north end of the property may have problems with perking. Morton said that they would allow site-built homes or off-frame modular homes on the lots.

Dorsett asked about the well setback requirements along the east property line. **Johnson** said they would all be required to have a 100-ft. setback.

Brown asked about the cemetery, and **Johnson** said that the developers are only required to designate the property as a cemetery and allow access. Morton said that the property has been in the Sewell family for 23+ years.

Johnson asked Morton how long he felt it would take to develop the subdivision. **Morton** said that the property will be developed in phases.

McDowell asked how many lots they thought they would get, and **Morton** said that they anticipated approximately 65-70 lots. **McDowell** asked about the future water pipeline along Hwy 64. **Morton** said that he has contacted Franklinville Mayor Whatley about the waterline. **Morton** said that Whatley has told him that he would try to help seek funds for the waterline to come down Foxfire Road when the waterline comes to Hwy 64.

Myron Hinshaw, 375 Foxfire Road, said that he is being surrounded by subdivisions. Hinshaw said that he is concerned about the groundwater with this many wells and septic tanks being placed in this area. Hinshaw said that if the density could be reduced he wouldn't have a problem with the development.

Bobby Stalker, 505 Foxfire Road, said that he lives on adjoining property. Stalker said that all the drainage from across the road and down the road comes

beside his house. Stalker said that if this property is developed it will increase the water run-off to his property. Stalker said that this is creating a water hole in his yard. Stalker said that his property is downhill from this site and the water from this development will come onto his property. Stalker said that he has lived here 37 years and he hated to see this many houses placed on this property. Stalker said that he felt there should be a larger buffer than 25 ft. to help with the run-off from these new roads. Stalker said that his yard is full of basketballs, bottles, and all kinds of things due to the stormwater run-off problems from the neighborhood.

Dennis Mehall, 375 Foxfire Road, said that at the Neighborhood Information Meeting he requested that the Planning Board members visit his property. Mehall also asked for a topographical map of the property. Mehall said that he is concerned about the run-off into his ponds. Mehall's property adjoins this site to the north. Mehall said his large pond has a dam that he currently has problems with and he questions the liability he may have if the dam breaks. Mehall asked the Board who would be liable if his dam breaks. Mehall is concerned that the children from the new homes will be drawn to his ponds. Mehall expressed concern that the proposal did not really show how the subdivision would be developed. Mehall said that 5-10 years from now it will look different than it is being proposed. Mehall said that he felt there were too many lots being proposed along the north property line because of the drainage and topography problems on that side of the property. Mehall said that the 12 lots being proposed would drain fertilizer from the new yards to his ponds and kill his fish. Mehall said that he is opposed to this development.

Nancy Hinshaw, 375 Foxfire Road, expressed concern for the traffic along Foxfire Road. Hinshaw said that the last car count by NCDOT was done in 2002, and there were 2900 cars daily through the intersection of Hwy 64/Foxfire Road. The intersection south of the site had 1000 cars. Hinshaw said that she was told by NCDOT that this count normally rises by 125 cars per year. Hinshaw said that she is not against this development but she did feel that it is too dense.

There were 14 citizens present in opposition to this request.

Johnson said that the concerns on the north property line have been consistent. Johnson said that Morton has tried to address the concerns by placing a 25 ft. no-cut buffer. Johnson said that this is a valid issue, but he didn't know if this would be sufficient. **McLeod** said that if houses are placed at the front of the lots, it would help with the run-off.

Johnson asked Mehall how long the dam has been in his pond. **Mehall** said that he has been told by neighbors that it has been here since the 1950's. Mehall asked if the County plans to maintain the Residential Agricultural zoning district in the area and if he would still be allowed to shoot his rifle on his property.

Morton said that he would be willing to extend his no-cut buffer to 50 ft. on lots

1-10. **Johnson** said that this would be the same requirement that the County has along all streams for protection.

Dorsett said that if a ditch is created along road “a”, a much larger amount of water will run on to the adjoining property. **Morton** said that it would be the same amount of water but it would run to the property faster.

Dorsett asked Stalker if there is a ditch along the front of his property. **Stalker** said that there isn’t enough of a ditch to handle the water.

Mehall said that he has had a new neighbor that had to grade his property to place his mobile home on his lot. Mehall said that when the property was graded it increased the amount of run-off to Mehall’s property by 30%. Mehall said that this is a good neighbor that is sympathetic and is working with him to help with this problem. Mehall said that the new lot owners may not be good neighbors and may not work with him. Mehall said that he is not totally opposed to this development, but he did want a little consideration. **McLeod** asked what type of problem Mehall had with his dam. **Mehall** said that he has an erosion problem and can’t fix his dam because of all the rain we have had. **Brown** asked whose fault this problem is. **Mehall** answered that it is his fault. **Brown** said that he is sympathetic to Mehall’s problem but the job of the Board is to try not to allow Morton to add to his problem. **Mehall** said that what actually is built won’t be what is being proposed. **Johnson** said that the only change would be a less intense proposal. **Mehall** asked for one or two Board members to visit his property. **McDowell** said that Board members have been out to this property.

Dorsett said that he couldn’t see approving this if the development would create additional problems for the Stalker problem.

Ridge said that he did understand what Dorsett is saying but this one little section (the proposed development) has a small part to play in the stormwater problem. Ridge said that a large portion of the problem is coming from the other adjoining properties. **McLeod** agreed and said that all the run-off for each lot doesn’t go toward the ditch.

Ridge made the motion to recommend to the Commissioners that this request be approved with the increase of a 50 ft. buffer along proposed lots 1-10 and the increased minimum house size to 1,400 sq. ft. **McLeod** seconded this motion. The motion passed by a vote of 5 to 1. Dorsett voted against the motion.

- B. **BILLY SELF**, Sophia, North Carolina, is requesting that 18.14 acres located on Marsh Mountain Road, Back Creek Township, be zoned to allow a conventional exclusive residential subdivision overlay. Parcel ID# 77347791261. Zoning District RA. The Conditional Use Overlay Zoning District would specifically allow a 13-lot residential subdivision for site-built or conventional modular homes with a minimum house size of 1,300 sq. ft.

- **Neighborhood Information Meeting Summary**

The developer and surveyor attended this meeting. One adjoining property owner attended and expressed his concern that the proposed new road would run directly in front of his residence. No other opposition to the request was noted.

- **Technical Review Committee Recommendation**

The Technical Review Committee met and found that the proposal was in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as this request is consistent with the existing land use patterns. The developer has been informed that the stream and pond must be buffered by a 50 ft. no-cut buffer.

Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:

Policy 6.5 The protection of viable rural neighborhoods should be encouraged by compatible residential development to insure the continued existence as a major housing source and as a reflection of the long-term quality of life in Randolph County.

Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes “leap frog” development (i.e. leaving large vacant areas between developments).

Jerry King, Surveyor, addressed the Board and explained his client’s intention to develop 13 lots with an average lot size of 1.29 acres. King said that Self lives on proposed lot 4 and plans to continue to live here.

Dorsett asked what feeds the pond and **Self** answered that it is spring fed.

Beulah Farlow, 205 Loflin Farlow Lane, said that she has lived here for 48 years. Farlow said that she would be concerned about the potential of trash in the stream that runs from this property to her property. **Johnson** said that there will be a 50-ft. no-cut buffer along the creek for protection.

James Wallace, 2373 Marsh Mountain Road, asked how close the road would be to his house. **King** answered that the road will be placed just about where the existing well is located. King told Wallace that his driveway would be moved to the new road. **Wallace** asked if this would change his address and Johnson answered that his address would change to the new road if his driveway moves. Wallace asked about drainage onto his property. **King** said that the water could not be diverted to their property if it is not already running in this direction. **Wallace** said that he is not really opposed to the development.

Ridge asked King if they could leave a 25-ft. no-cut buffer along the south property line. **King** said that they could leave a buffer. King said that he has walnut trees that he plans to cut but he would be willing to replant trees.

Brown made the motion, seconded by **Dorsett**, to recommend to the Commissioners that this request be approved with the addition of a 25-ft. no-cut buffer along the south property line. The motion passed unanimously.

7. The meeting adjourned 8:10 p.m. There were 23 people present for this meeting.

**NORTH CAROLINA
RANDOLPH COUNTY**

Hal Johnson
Planning Director

March 2, 2004
Date

Jill Wood
Clerk/Secretary